

TITLE 16. BOARD OF BARBERING AND COSMETOLOGY

NOTICE IS HEREBY GIVEN that the Board of Barbering and Cosmetology (hereinafter referred to as "The Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2420 Del Paso Rd, Sequoia Room 109A & B, Sacramento, CA 95834 at 9:00 a.m., on July 10, 2006. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under the contact person in this Notice, must be received by the Board at its office no later than 5:00 p.m. on July 10, 2006 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference

Pursuant to the authority vested by Sections 7407, and 7312, of the Business and Professions Code, and to implement, interpret or make specific Sections 7406, and 7409 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 974

Business and Professions Code, Section 7407 authorizes the Board to establish a schedule of administrative fines for violations of this chapter. The schedule indicates, for each type of violation whether, in the board's discretion, the violation can be corrected. The Schedule of Administrative Fines appears in Article 11, 974(a), California Code of Regulations.

The Board is proposing to eliminate its current system of progressive discipline that provides for escalating fines for repeat violation offenders. Instead under this proposal, each violation is assessed with one set fine amount.

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

While it is difficult to project the fiscal impact to the proposed fine changes, it is safe to assume that in the short term, the Board's fund, which is where the fine money is distributed, would increase. The long term goal of the increase in fines is to raise

awareness for licensees of serious health and safety violations and gain compliance, citing less and balancing back the fund.

No federal funding impact anticipated.

Nondiscretionary Costs/Savings to Local Agencies

None

Local Mandate

None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement

None

Business Impact

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses

The Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California

Cost Impact on Representative Private Person or Business

The cost impact that a representative private person or business would incur because of the proposed action depends upon their compliance with the Board's health and safety laws. To the licensee or establishment that have very few health and safety violations, the impact would be minimal. To those who are not compliant to health and safety violations, the impact would be more significant.

Effect on Housing Costs

None

EFFECT ON SMALL BUSINESS

This proposal may have an effect on small business establishments licensed by our Board who fail to comply with the Board's Health and Safety Laws.

CONSIDERATION OF ALTERNATIVES

The Board must determine that no alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Barbering and Cosmetology at 2420 Del Paso Rd Suite 100, Sacramento, CA 95834.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below. You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

CONTACT PERSON

Any inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Troy Meza
Address:	2420 Del Paso Road, Suite 100 Sacramento, CA 95834
Telephone No.:	(916) 575-7134
Fax No.:	(916) 575-7280
E-Mail Address:	Troy_Meza@dca.ca.gov

The backup contact person is:

Name:	Paul Cobb
Address:	2420 Del Paso Road, Suite 100 Sacramento, CA 95834
Telephone No.:	(916) 575-7100
Fax No.:	(916) 575-7280
E-Mail Address:	Paul_Cobb@dca.ca.gov

Website Access

Materials regarding this proposal can be found at www.barbercosmo.ca.gov